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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/035,363	12/28/2001	Paul D. Jenkins	069270.0103	2066
50086 7590 04/23/2007 LAW OFFICE OF DAVID H. JUDSON 15950 DALLAS PARKWAY SUITE 225 DALLAS, TX 75248			EXAMINER SING, SIMON P	
			ART UNIT	PAPER NUMBER
			2614	
SHORTENED STATUTORY PERIOD OF RESPONSE		MAIL DATE	DELIVERY MODE	
3 MONTHS		04/23/2007	PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/035,363

Applicant(s)

JENKINS ET AL.

Examiner

Simon Sing

Art Unit

2614

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 January 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 6, 7, 9, 14, 15, 17, 22, 23 and 25 is/are rejected.
- 7) ☒ Claim(s) 2-5, 8, 10-13, 16, 18-21 and 24 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 1, 6, 7, 9, 14, 15, 17, 22, 23 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kepley et al. US 4,790,03 in view of Carleton et al. US 6,069,940.

2.1 Regarding claims 1, 17 and 25, Kepley discloses a voice messaging system (VMS) for recording and delivering a voice message. Kepley teaches:

maintaining a plurality of rules governing voice messages, each rule specifying a trigger event (receiving a voice message), conditional criteria (the voice message in a delivery queue for a remote voice messaging system) and an action (delivering the voice message and updating message count) (column 5, lines 10-54);

detecting an occurring event (a caller calls the VMS to create a voice message) for an enterprise message, the enterprise message (a voicemail message with header information) comprising a voice message and categorization data (header information including message recipient's ID, which categorizes whether the recipient's mailbox is in a local or remote voice messaging system, see figure 4; column 14, lines 53-58) elicited

from a caller during an interactive session in which the voice message is received from the caller (column 5, lines 10-34, 50-61; column 12, lines 48-64), the categorization data specifying at least one association between the voice message and information (whether the recipient's mailbox is in a local VMS or in a remote VMS) maintained in a database (data system) (column 4, lines 28-61; column 7, lines 58-67);

determining whether the occurring event matches a triggering event specified for a selected one of the rules (caller created a voice message) (column 5, lines 10-34);

if events match, determining whether the categorization data satisfy the conditional criteria (the voice message is for a recipient whose mailbox is in a remote voice message system);

if the criteria are met, delivering (action) the voice message to the called party's voice mailbox, and updating (modification) the delivery queue and message count in the recipient's mailbox (column 12, lines 48-67; column 13, lines 1-3; column 16, lines 48-56).

Kepley teaches header information, which includes a recipient's ID, but fails to teach the header information includes a subject matter (identifying the contain of the voice message).

However, Carleton teaches that when a caller is leaving a voice message, the caller is also prompted to speak a subject line for the voice message, the subject line is stored in a message header, and a recipient is able to retrieve voice messages according to message subjects (column 5, lines 5-13, 28-31, 40-45; column 6, lines 1-10).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to further modify the Kepley's reference with the teaching of Carleton, so that a caller would have been prompted to indicate a subject matter when leaving a voice message, because such a modification would have enabled a message recipient to retrieve his voice messages by subject matters.

1.2 Regarding claims 6 and 22 as discussed above, the voice message is delivered to the message recipient's mailbox.

1.3 Regarding claims 7 and 23 as discussed above, the occurring event is a creation of the enterprise message.

1.4 Regarding claim 9, Kepley discloses message processor (server) 112 in figure 1, comprising:

- a telephony service module operable to establish a voice channel with a caller and to receive a voice message from the caller (column 5, lines 10-34);

- a data services module operable to couple to a data system 120;

- an integration module operable to elicit categorization data (recipient's ID) from the caller during an interactive session in which the voice message is received from the caller, the categorization data (recipient's ID in a message header, see figure 4) specifying associations between the voice message and information (message recipient's mailbox in the voice messaging system) in a database (data system)

(column 4, lines 28-61; column 7, lines 58-67), the integration module further operable to:

- store the voice message and the categorization data (column 5, lines 59-61);

- maintain a plurality of rules governing voice messages, each rule specifying a trigger event (caller calls voice messaging system), conditional criteria (the voice message in a delivery queue for a remote voice messaging system) and an action (delivery the voice message to recipient's mailbox) (column 5, lines 10-59; column 12, lines 58-64);

- detecting an occurring event (caller calls the voice messaging system) for an enterprise message (column 5, lines 10-59);

- determining whether the occurring event matches the triggering event specified for a selected one of the rules (receiving a call from a caller);

- if events match, determining whether the categorization data satisfy the conditional criteria (the voice message in a delivery queue for a remote voice messaging system) (column 5, lines 50-59; column 12, lines 48-60);

- if the criteria are met, delivering the voice message to the message recipient's mailbox, and updating message count in the message recipient's mailbox (column 12, lines 48-67; column 13, lines 1-3; column 16, lines 48-56).

Kepley teaches header information, which includes a recipient's ID, but fails to teach the header information includes a subject matter (identifying the contain of the voice message).

However, Carleton teaches that when a caller is leaving a voice message, the caller is also prompted to speak a subject line for the voice message, the subject line is stored in a message header, and a recipient is able to retrieve voice messages according to message subjects (column 5, lines 5-13, 28-31, 40-45; column 6, lines 1-10).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to further modify the Kepley's reference with the teaching of Carleton, so that a caller would have been prompted to indicated a subject matter when leaving a voice message, because such a modification would have enabled a message recipient to retrieve his voice messages by subject matters.

1.5 Regarding claim 14 as discussed above, the voice message is delivered to the recipient's mailbox.

1.6 Regarding claim 15, as discussed above, the occurring event is creating the enterprise message.

Allowable Subject Matter

2. Claims 2-5, 8, 10-13, 16, 18-21 and 24 objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

3. The following is a statement of reasons for the indication of allowable subject matter:

The prior art on record fails to teach the claimed limitations cited in these claims.

Response to Arguments

4. Applicant's arguments with respect to claims 1-25 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

Art Unit: 2614

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

6. Any inquiry concerning this communication or earlier communication from the examiner should be directed to Simon Sing whose telephone number is 571-272-7545. The examiner can normally be reached on Monday - Friday from 8:30 AM to 5:30 PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang, can be reached at 571-272-7547. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 571-272-2600.



S. Sing

04/06/2007



FAN TSANG
SUPERVISORY PATENT EXAMINER
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